

SENATE JOURNAL

Thirty-seventh Legislature—Second Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Aug. 17, 1921.

In obedience to the call of his Excellency, Hon. Pat M. Neff, Governor of the State of Texas, convening the Thirty-seventh Legislature in second extraordinary session, being the Second Called Session, this, the 17th day of August, 1921, the Senate met in the Senate Chamber of the Capitol, in the City of Austin, at 10:00 o'clock a. m., and was called to order by Lieutenant Governor Lynch Davidson.

Temporary Officers.

W. V. Howerton, Secretary.
R. M. Gilmore, Journal Clerk.
Mrs. J. Collins, Assistant Journal Clerk.
A. W. Holt, Sergeant-at-Arms.
J. A. Kenney, Assistant Sergeant-at-Arms.
F. M. Midkiff, Second Assistant Sergeant-at-Arms.
Miss Lulu Gardner, Calendar Clerk.
Mrs. Jennie Hargis, Assistant Calendar Clerk.
Mrs. Clyde Smith, Postmistress.
Miss Mary Jacobs, Telephone Operator.
W. H. Brummert, Doorkeeper.
S. H. Morgan, Chaplain.
The Chair directed the roll called, a quorum being present, the following Senators answering to their names:

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Page.
Buchanan.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.

Absent.

Burkett.	Carlock.
----------	----------

Clark.	Murphy.
Cousins.	Parr.
Dorough.	• Richards.
Hall.	

Prayer by Rev. Morgan.

Proclamation By the Governor of the State of Texas.

Department of State,
Austin, Texas, Aug. 17, 1921.

I, Pat M. Neff, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution of the State of Texas in Article 4, Section 8, do hereby call in extraordinary session the Legislature to convene in the City of Austin, Texas, at 10:00 o'clock a. m., Wednesday, August 17, A. D. 1921, for the following purposes, to-wit:

1. To make appropriation, within the available revenues, for the support and maintenance of the State Government and State Institutions.

2. To consider and act upon such other matters of vital importance as may be presented by the Governor pursuant to Section 40, Article 3, of the Constitution of Texas.

In Witness Whereof, I have hereunto signed my name officially, and have caused to be impressed hereon the Seal of the State, at the City of Austin, Texas, this 17th day of August, A. D. 1921.

PAT M. NEFF,
Governor.

(Seal)
S. L. STAPLES,
Secretary of State.

The State of Texas,
Department of State.

I, S. L. Staples, Secretary of State, of the State of Texas, do hereby certify, that the foregoing and attached is a true and correct copy of the proclamation issued by the Governor of the State of Texas, Pat M. Neff, on the 17th day of August, A. D. 1921, calling an extraordinary session of the Thirty-seventh Legislature to convene in the City of Austin, Texas, at 10:00 o'clock a. m., Wednesday, August 17th, A. D. 1921.

In Testimony Whereof, I have hereunto signed my name officially, and

caused the Seal of State to be hereon impressed, at the City of Austin, Texas, this the 17th day of August, A. D. 1921.

S. L. STAPLES,
(Seal) Secretary of State.

The above proclamation was laid before the Senate and read.

**Election of Officers and Employees
Second Called Session.**

Senate Chamber,
Austin, Texas, Aug. 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: Senator W. D. Suiter, Chairman of the Senate caucus, called the same together for the purpose of determining the number and personnel of the Senate officers and Senate employees for the ensuing Second Called Session of the Thirty-seventh Legislature.

Senator Edgar E. Witt was elected Secretary of the caucus.

The following officers and employees were recommended as officers and employees of the Senate for the Second Called Session:

Secretary, W. V. Howerton.

Assistant Secretary, Richard Blacklock.

Journal Clerk, John D. Cofer.

Assistant Journal Clerk, Mrs. Josephine Collins.

Sergeant-at-Arms, A. W. Holt.

First Assistant Sergeant-at-Arms, J. A. Kenney.

Second Assistant Sergeant-at-Arms, F. M. Midkiff.

Calendar Clerk, Miss Lulu Gardner.

Assistant Calendar Clerk, Mrs. Jennie Hargis.

Mailing Clerk, Mrs. W. S. Banks.

Assistant Mailing Clerk, Mrs. Lottie Sturdivant.

Assistant Mailing Clerk, Mrs. Pearl R. Key.

Postmistress, Mrs. Clyde D. Smith.

Chaplain, Rev. S. H. Morgan.

Telephone Operator, Miss Mary Jacobs.

Doorkeeper, Capt. W. H. Brumert.

It was further recommended that the Chairmen of the Enrolling and Engrossing committees be authorized to employ enrolling and engrossing clerks, and such assistants as necessary, and that their appointments be referred to the Senate for confirmation.

It was further recommended that each Senator be permitted to name one stenographer, and that such employees act as clerk of each committee of which said Senator may be chairman.

It was further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It was further recommended that the compensation of officers and employees above named shall be \$5.00 per day, except that the Secretary of the Senate and the Journal Clerk shall each receive \$7.50 per day, and except further that the pages shall receive two dollars per day and the porters shall receive two dollars per day, the head porter receiving three dollars per day.

It was further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It was further recommended that the Lieutenant Governor be permitted to select a Secretary and an Assistant Secretary and that the salaries shall be the same as in the Regular Session.

It was further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It was further recommended that 2000 copies of the Daily Journal be printed and that the same be prorated among the Senators and the Lieutenant Governor; except that 300 copies be furnished members of the House.

It was further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed \$4.00 per month.

It was further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by him, and be allowed expenses incurred in the transmitting and receiving telephone and telegraph messages that may be

actually necessary in the discharge of his official duty.

It was further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee, and a stenographer to the Finance Committee; and their salaries be the same as at the Regular Session.

It was further recommended that each Senator be permitted to subscribe to five daily papers, to be paid for out of the contingent fund.

SUITER, Chairman.

The above was read and adopted.

Senator Suiter moved that the Secretary of the Senate cast the ballot of the Senate for the officers of the Senate.

The motion was adopted, and the Secretary so cast the vote and the officers so recommended were declared elected.

Simple Resolution No. 1.

Hon. Lynch Davidson, President of the Senate.

In pursuance to the action of the Senate caucus, we herewith submit to the Senate the following to be employees of the Senate:

Enrolling Clerk, Carl Boes; Engrossing Clerk, Edward Mixson; Stenographers, Lila Reese and Faith Adams.

DARWIN,
DOYLE.

The above resolution was read and adopted, and on motion of Senator Suiter, the Secretary was directed to cast the ballot of the Senate for the officers named, and the Secretary so cast the ballot.

Oath of Office Administered.

The Chair here administered the constitutional oath of office to all those named in the permanent organization report, and Simple Resolution No. 1, except Mr. Boes, who was absent.

Simple Resolution No. 2.

Resolved, That the salaries of Carl Boes and Edward Mixson be \$7.50 per day for the Second Called Session.

Page, Hertzberg, Willis, Wood, Bledsoe, Dudley, Baugh, Williams, McMillin, Lewis.

The above was read and adopted.

Election of President Pro Tem.

The Chair announced that the election of a President Pro Tem. was in order, and

Senator Page nominated Senator Woods of Navarro County.

The nomination was seconded by Senators Bailey, Suiter, Doyle.

There being no other nominations, the Chair declared nominations closed.

The Chair appointed Senators Page, Buchanan, and Fairchild as tellers.

After the vote was cast the tellers announced that Senator Woods received 21 votes, and the Chair declared him duly and constitutionally elected.

Being escorted to the President's stand, the constitutional oath of office was administered to him.

After being introduced to the Senate, Senator Woods addressed the Senate briefly.

(President Pro Tem. Woods in the Chair.)

Notification Committees.

The Chair here announced the appointment of the following Notification Committees to notify the Governor and House of Representatives that the Senate was organized and ready for business.

To notify the Governor: Baugh, Lewis, Rogers.

To notify the House: Buchanan, Fairchild and Doyle.

The Senate was here at ease.

Assistant Doorkeeper.

On the motion of Senator Hertzberg, Robert M. Field was elected assistant doorkeeper.

(Lieutenant Governor Davidson in the Chair.)

Oath Administered.

The Chair administered the oath of office to Mr. Cofer as Journal Clerk, Mr. Field as assistant doorkeeper and Miss Reese as stenographer for the engrossing room.

Address by Mr. Gilmore.

Mr. R. M. Gilmore, who had served the Senate as Journal Clerk for many years, on the motion of Senator Bailey, was invited to address the Senate.

Mr. Gilmore expressed his appreciation of the many courtesies that had been extended him, and his regret that he was unable to serve as Journal Clerk this session.

Recess.

The Senate, at 12:15 p. m., on the motion of Senator Bailey, stood recessed until 2:00 this afternoon.

After Recess.

Question of Procedure.

Senator Bailey made the point of order that it was not necessary for the Senate to wait until the House secured a quorum in order to proceed with business, and cited as precedent Senate Journal of the Second and Third Called Sessions of the 35th Legislature, pages 4 and 6; and Hind's Precedents, Vol. 1, pages 81 and 82.

The Chair (Lieutenant Governor Davidson) sustained the point of order.

Bills and Resolutions.

By Senator Dudley:

S. B. No. 1, a bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Agricultural and Mechanical College; the State Experimental Stations; the Prairie View State Normal; the College of Industrial Arts for Women; the Sam Houston Normal Institute; the North Texas State Normal; the Southwest Texas State Normal; the West Texas State Normal; the East Texas State Normal; the Sul Ross State Normal; the Stephen F. Austin State Normal; the John Tarleton Agricultural College; the Grubbs Vocational College; the Texas State School for the Blind; and the State Deaf and Dumb Institute, for the two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency.

Read first time and referred to the Committee on Finance.

By Senator Dudley:

S. B. No. 2, A bill to be entitled "An Act making appropriation of the sum of Sixteen Thousand Dollars,

or so much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-seventh Legislature of the State of Texas, convened August 17, 1921, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Dudley:

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Thirty-seventh Legislature of the State of Texas, convened on the 17th day of August, A. D. 1921, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

Committee from the House.

A committee from the House presented itself at the bar of the Senate, and announced that the House was organized and ready for work.

Senate Committee's Return.

The Committee appointed by the Chair to notify the House returned and reported their duty performed.

Committee Reports.

See Appendix.

Senate Bill No. 1.

On the request of Senator Dudley, unanimous consent was granted to take up and consider,

S. B. No. 1, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Agricultural and Mechanical College; the State Experimental Stations; the Prairie View State Normal; the College of Industrial Arts for Women; the Sam Houston Normal Institute; the North Texas State Normal; the Southwest Texas State Normal; the

West Texas State Normal; the East Texas State Normal; the Sul Ross State Normal; the Stephen F. Austin State Normal; the John Tarleton Agricultural College; the Grubbs Vocational College; the Texas State School for the Blind; the Texas State Deaf and Dumb Institute, for the two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency."

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 put on its second reading by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Page.
Bledsoe.	Rogers.
Buchanan.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Page.
Bledsoe.	Rogers.
Buchanan.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.

30—Senate.

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

The bill was read third time and passed finally by the following vote:

Yeas—18.

Baugh.	Hertzberg.
Bledsoe.	McMillin.
Buchanan.	Page.
Darwin.	Rogers.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.

Nays—3.

Bailey.	Woods.
Suiter.	

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

Reasons for Voting on Senate Bill No. 1.

I do not favor S. B. No. 1 in its entirety, but vote for it in the prevailing emergency in order to hasten its consideration by the House and ultimately in the Free Conference Committee, to which the bill will, without doubt, have to go for final adjustment.

FLOYD.

I do not endorse the provisions of this bill, but vote "yea" that it may go to the House as a basis for work by the House, and a Conference Committee in the interest of time.

McMILLIN.

Senate Bill No. 2.

On the request of Senator Dudley, unanimous consent was granted to take up,

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay the contingent expenses of the Second Called Session of the Thirty-seventh Legislature."

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 2 put on its second reading by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Page.
Bledsoe.	Rogers.
Buchanan.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

The constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Page.
Bledsoe.	Rogers.
Buchanan.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

The bill was read third time and passed finally by the following vote:

Yeas—21.

Bailey.	Doyle.
Baugh.	Dudley.
Bledsoe.	Fairchild.
Buchanan.	Floyd.
Darwin.	Hertzberg.
Davidson.	McMillin.

Page.
Rogers.
Suiter.
Watts.
Williams.

Willis.
Witt.
Wood.
Woods.

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

Senate Bill No. 3.

On the request of Senator Dudley, unanimous consent was granted to take up and consider

S. B. No. 3. A bill to be entitled "An Act making appropriation to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Thirty-seventh Legislature of the State of Texas, convened on the 17th day of August, A. D. 1921, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

The constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its second reading by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Page.
Bledsoe.	Rogers.
Buchanan.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 3 put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Page.
Bledsoe.	Rogers.
Buchanan.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

The bill was read third time and passed finally by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Page.
Bledsoe.	Rogers.
Buchanan.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Burkett.	Hall.
Carlock.	Lewis.
Clark.	Murphy.
Cousins.	Parr.
Dorough.	Richards.

At Ease.

On motion of Senator Darwin, the Senate, at 2:40 p. m., stood at ease subject to call of the Chair.

Message from the House.

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,
Austin, Texas, Aug. 17, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has adopted H. C. R. No. 1, relating to the investigation of the oil situation in the State.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk House of Representatives.

Resolution Read and Referred.

The Chair, Senator Woods, had read H. C. R. No. 1.

By Mr. Miller of Dallas:

Whereas, it is commonly believed that there exists, in what is generally known as the Mid-Continent Oil Fields, a deliberate purpose on the part of certain of the large oil corporations, which, in so far as it affects the State of Texas, is in violation of both the letter and spirit of our Anti-Trust Laws, to so manipulate the market in this and other states comprising Mid-Continent fields, as to control not only the prices of the crude oil, but also the prices of the finished products of the refineries, especially as it applies to gasoline, for the purpose of putting out of business the independent refineries and the independent broker and dealers in gasoline and oils, and

Whereas, it is generally understood that in pursuance of this plan, the price of crude has been autocratically lowered without reference to the intrinsic or market value thereof, or cost of production; that many of the large companies who handle the refinery products through the medium of their own filling stations, are paying more money for gasoline in tank car loads at the independent refineries than they sell it for to the gasoline stations, and are indulging in many methods of cutting, bonuses and special deductions, including deliveries to commercial trade at prices under the filling station discount, and the custom of certain big companies have filling stations of their own selling through their filling stations at different prices to different customers making arbitrary and unnatural discriminations selling to some customers at cheaper than an independent station can buy, thereby attempting to put the independent stations out of business. The sole purpose of all of which is to destroy the independent refineries and the independent filling

stations, which is not only a violation of the Anti-Trust Laws of this State, but is detrimental to the existence of one of the largest interests of the State of Texas; therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, that there be and is hereby appointed a joint committee to be composed of three members of the House, appointed by the Speaker of the House, and two members of the Senate, to be appointed by the Lieutenant Governor, with full authority to investigate such conditions, to take testimony in or out of the State of Texas, to subpoena witnesses, to administer oaths, and to require the production of books and records of every person, persons, associations, joint stock companies or corporations, engaged in the production, manufacturing or sale of crude petroleum, or any of its products, and to have all the authority vested by the present statutes of the State of Texas in investigating committees appointed by and under the sanction of the Legislature.

That the Attorney General of the State of Texas, is required, either in person or through some deputy, to be designated by him, to represent the State of Texas in such investigation and the expense of such officer shall be paid out of the contingent expense fund of the House and Senate upon vouchers approved by the Chairman of this committee.

That said committee shall have the right to employ a competent stenographer to take the testimony of the witnesses upon such investigation, and to pay such stenographer out of the contingent expense fund of the House of Representatives and Senate; that witnesses summoned before such committee, shall be paid the mileage and per diem paid witnesses in the district court of this State, which said mileage and per diem shall be paid out of the contingent expense funds of the House and Senate upon vouchers approved by the Chairman of the joint committee provided for herein.

The resolution, on the motion of Senator Page, was referred to the Committee on Commerce and Manufacturing.

At Ease.

The Senate, at 4:15 p. m., on the mo-

tion of Senator Dudley, stood at ease subject to the call of the Chair.

Oath Administered.

The Chair (Senator Woods) administered the oath of office to Mr. Boes as Enrolling Clerk and Miss Adams as stenographer for the enrolling room.

Recess.

On motion of Senator Bledsoe, the Senate, at 5:50 o'clock p. m., recessed until 9:00 o'clock tomorrow morning.

Thursday Morning.

The Senate met at 9 o'clock a. m., pursuant to recess.

(President Pro Tem. Woods in the chair.)

Senator Dudley to Preside.

The Chair (Senator Woods) made the following announcement to the Senate:

Senate Chamber,
August 18, 1921

Gentlemen of the Senate:

Inasmuch as the Lieutenant Governor is absent from the city and I am called home for a few days, I hereby name Senator R. M. Dudley of El Paso to preside over the Senate and act in the performance of the duties of the Chair until the return of the Lieutenant Governor or myself, subject to the pleasure of the Senate.

Respectfully,

J. H. WOODS.

President Pro Tempore of the Senate.

The announcement was read and ratified by the Senate on the motion of Senator Bailey.

Recess.

On the motion of Senator Dudley, the Senate, at 9:35 o'clock a. m., stood recessed until tomorrow afternoon at 2 o'clock.

Friday Afternoon.

The Senate was called to order at 2 p. m., pursuant to recess, with Senator R. M. Dudley in the chair.

Pages and Porter.

The Chair announced, for the Lieutenant Governor, the appoint-

ment of the following pages and porters:

Pages: Tom Stanford, Guion McCaleb, Joe Erwin, Elston Ford, Alvin Reagan, Jesse Raymond, Oliver Hyslop, John Dee Rogers, Robert Wier, Arthur Jackson, Billy Terrell, Bill Smith, Lee Williams.

Porters: General Jackson, Buck Green, Ben Thompson, Bud Green, John Roberts, Monroe Williams, James Holland, Emmett Hill, Arthur Evans.

Letter to Senator Dorough.

Unanimous consent was granted to send up the following communication:

Tulia, Texas, Aug. 10, 1921.

Senator Dorough, Austin, Texas.

Dear Sir: In the Ft. Worth Star-Telegram dated Aug. 10, 1921, we read: "Senator Dorough of Takarkana said he expected to see a wholesale return of people from West Texas when the next drouth comes." And on page nine of the same paper: I remember the time when the people of East Texas fed the people of West Texas," he said that the time may come again. "When you have a bad year in West Texas the people come right back to East Texas. All of it is coming from East Texas."

We have only one man in this county that has lived in East Texas and I accidentally found it out while traveling in your county. He is our county judge and when I told him that I knew where he once lived he said, "that it would forever sever our friendship if I told it on him. If you have any evidence as to the extent that East Texas has helped the plains country we would like to have your figures. It is the first time we ever heard of such thing. If I ever hear of a citizen of this country talking about moving to East Texas the charge against him will be lunacy. Guilty.

It is not a wonder that you had a hard race in your district. You would not have gotten as many votes in this country as there are people from East Texas. Don't you move to the plains thinking that we have enough people here from East Texas to elect you.

The vote in the Senate on redis-

tricting measures the size of every one of you. Any man that is too small to yield to a CONSTITUTIONAL DEMAND is too insignificant to help any body and if West Texas did receive help from the Eastern part of the State it was from a different class of citizens than those in the State Senate.

Your respectfully,
J. M. SIMPSON.

The communication was read and ordered printed in the Journal.

(The above letter was ordered printed as written, misspelling and all.)

Senator Dorough's Reply.

Senator Dorough had sent up and had read the following letter.

Austin, Texas, August 19, 1921.

Mr. J. M. Simpson, Tulia, Texas.

Dear Sir: If I am to judge by your name I presume you are a Texan, but the tone of your letter compels me to believe you were run out of Mexico by Villa, for I am sure a Texan would not have written the letter that you wrote to a stranger. To use the words of another: "Where in the hell is Tulia, and who in the hell is Simpson."

You state that you were once in my county. I can hardly believe this for if you were ever there you would not now be in Swisher County. Any one who has ever gazed upon the fertile fields of East Texas, looked upon its luscious strawberries, its tomatoes, Elberta peaches, other fruits, vegetables, its cotton and its corn and the by-products of its corn, can never permanently forsake the Paradise of Texas. I trust that some occasion will call you to East Texas, and if you come, West Texas will lose another citizen.

East Texas has always been generous and the big brother to West Texas, and when the oil boom is over, and the blazing sun and scorching wind lay waste your part of the state, you will then realize the truthfulness of the notice posted by the young man from West Texas who married a young lady from East Texas. After they had been married a couple of years he persuaded her to go back with him to West Texas, and after two years of

drouth they placed this notice on the front gate:

West Texas Sun showers depri-
vation,
West Texas Winds sow desola-
tion,
Hell and Damnation,
Gone back to Wife's relations.
Yours very truly,
R. P. DOROUGH.

The letter was ordered printed in the Journal.

Message from the Governor.

Mr. Walthall, secretary to the Governor, presented himself at the bar of the Senate with the following executive message:

(Senator Dudley in the chair.)

Governor's Office.

Austin, Texas, August 19, 1921.

To the Members of Senate and House of Representatives, Second Called Session of the Thirty-seventh Legislature.

Gentlemen: Your inability to pass the general appropriation bill during either the regular or first called session, as you were each time urged to do, made it necessary for me to reconvene you in this second special session. It was with reluctance that you were re-assembled. I had no alternative. Our institutions of learning could not, in justice to the people, be, for the coming year, closed. Your honorable body alone has the power to make these appropriations for their maintenance. The Constitution makes it my duty to recommend, but I have no authority to enact laws. Therefore, when on Tuesday night you adjourned with the doors of every institution of advanced learning in Texas closed for the coming school year, there was nothing left for me to do except reassemble you and for the third time kindly ask that these imperatively demanding appropriations be made.

While I do not consider it within the scope of my proper province to take either side of the bitterly contested differences between the Senate and House which made it impossible to agree on the educational bills, still I do not deem it out of place for me, in the interest of the great State of Texas, whose servants we are, to express the earnest hope that you will speedily reconcile and

compromise your differences and make necessary appropriation for the support of all our institutions. Appropriations of course, should be kept within the available revenues. In this connection, desire to remind you that our present tax rate is 22 cents on the one hundred dollars. This tax rate, together with taxes from other sources, according to the highest estimate made by any state official connected with the handling of the State's funds, will make available for you to appropriate for the coming fiscal year, in round numbers, the sum of \$19,000,000.00. If your appropriations exceed this amount you force a raise of the present tax rate. Estimating the educational bills, not yet passed, at five million dollars, the present Legislature has appropriated to be paid out of this nineteen million dollars, twenty-two million dollars. It is impossible to pay a twenty-two million dollar debt with nineteen million dollars. Under present financial conditions the present tax burdens should not be increased. Therefore, in order that you may re-adjust your appropriations and cut the garments to fit the cloth, provided you do not desire to increase the tax burdens, you are privileged to consider the wisdom of cutting down any appropriations made for any purpose in any bill passed by the Thirty-seventh Legislature.

As far as I know, this will be my only message to this special session, and for that reason I feel it my duty to again call your attention to the fact that Texas has not been re-districted into senatorial districts for twenty years. The Constitution demands that the state be re-districted into representative and senatorial districts every ten years. The democratic platform on which you ran for office demands that this legislature thus re-district the State. The bill passed by the first called session a few days ago does not fulfill either the letter or the spirit of the Constitution or the party platform. Therefore, the matter of redistricting the state into senatorial and representative districts is cordially submitted to you for the third time, in order that this work, committed to your hands by the people of Texas may be done so that said acts will go into effect now and not in 1924, as heretofore enacted by you.

I pledge to you my active help and earnest co-operation to the end that we may have a government amply provided for and economically administered. If I can be of service to you in your deliberations, I am yours to command.

Respectfully,
PAT M. NEFF, Governor.

At Ease.

The Senate at 2:30 p. m., on the motion of Senator Dorrough stood at ease until 8 o'clock tonight.

Friday Night.

The Senate was called to order at 8 p. m.

(Senator Dudley in the chair.)

Recess.

On the motion of Senator Wood, the Senate at 8:04 stood recess until 9 o'clock tomorrow morning.

Saturday Morning.

The Senate was called to order at 9 o'clock a. m., pursuant recess. (Senator R. M. Dudley in the chair.)

At Ease.

On motion of Senator Wood, the Senate stood at ease subject to the call of the chair.

Message from the House.

Mr. Phinney, chief clerk of the House, presented himself at the bar of the Senate with the following message. (Senator Dudley in the chair.)

Hall of the House of Representatives.
Austin, Texas, Aug. 20, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 2, An Act making appropriations of the sum of Sixteen Thousand (\$16,000.00) Dollars, or so much thereof as may be necessary to pay the contingent expenses of the Second Called Session of the Thirty-seventh Legislature.

S. B. No. 3, An Act making appropriations to pay the per diem of members of the Thirty-seventh Legislature.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk House of Representatives.

At Ease.

The Senate on the motion of Senator Bailey stood at ease subject to the call of the Chair.

Message from the House.

Mr. Phinney, chief clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives.
Austin, Texas, Aug. 20, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 1.

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions, with amendments.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk House of Representatives.

Senate Bill No. 1.—Conference Committee.

On the motion of Senator Bailey, the Senate refused to concur in House amendments to S. B. No. 1, and requested conference committee be appointed.

The Chair (Senator Dudley) announced for the Lieutenant-Governor the following committee to act on the part of the Senate:

Dudley, Darwin, Wood, Baugh, and Witt.

Message from the House.

Mr. Phinney, chief clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives.
Austin, Texas, August 20, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 2, relating to the time of the investigation Davis Mountain State Park.

Granted the request that a conference committee be appointed to adjust the differences between the Senate and House on Senate Bill No.

1, and the following have been appointed on part of the House:

Satterwhite, Wallace, Chitwood, Beasley of McCullough, and Hall.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives.

Senate Concurrent Resolution No. 1.

Senator Wood sent up the following resolution:

Whereas, at the end of the present session of the Legislature there will be some furniture, fixtures, stationery and supplies purchased for the use of the Senate and House left in the sergeant-at-arms' rooms of the Senate and House, all of which should be conserved and taken care of; and

Whereas, we are advised that other departments of the State government have heretofore taken out and used some of such articles of furniture, etc., when the Legislature was not in session; therefore be it

Resolved, That the Lieutenant-Governor and Speaker of the House, acting together shall appoint a porter to take charge of the Senate Chamber and the Hall of the House of Representatives, and connecting rooms, and to care for same during the time intervening between the close of this session and the beginning of the next. And it shall be the duty of said porter to see that all furniture, fixtures, stationery and supplies purchased for use of the Senate and House are kept where they belong. And said porter is hereby instructed to thoroughly clean the carpets, furniture and other fixtures, windows, etc., and have the Senate Chamber and Hall of the House in good condition when the next session convenes. And it shall also be the duty of said porter to care for the quarters set apart for the use of the Lieutenant-Governor and Speaker; and said porter shall receive a salary of sixty dollars per month, to be paid out of the mileage and per diem fund, or contingent expense fund of the present session on vouchers properly issued; half of said salary to be paid by vouchers signed by the Lieutenant-Governor and Secretary of the Senate and the other half by vouchers signed by the Speaker and Chief Clerk of the House.

The resolution was read and laid on the table subject to call.

House Concurrent Resolution No. 2.

The Chair laid before the Senate: H. C. R. No. 2, Relating to Davis Mountain State Park.

By Stewart of Reeves.

Whereas, by the terms of House Concurrent Resolution No. 17, of the First Called Session of the Thirty-seventh Legislature, it is provided for an inspection of the Davis Mountain region in Texas for the purpose of determining the practicability and feasibility of establishing a State Park in said territory; and

Whereas, said resolution provided that said inspection should be made not later than September 1, 1921, and that said committee be prepared to report to the first session of the Legislature after the expiration of the First Called Session of the Thirty-seventh Legislature; and

Whereas, another (the Second) Called Session of the Thirty-seventh Legislature was called immediately upon the adjournment of the First Called Session rendered it impossible for said committee to make the inspection and report as provided for in said resolution; now, therefore, be it

Resolved, That the committee named in pursuance of the terms of said House Concurrent Resolution No. 17 make the trip of inspection and investigation on or about the 15th day of September, 1921, and that said committee make their report to the first session of the Legislature (whether special or regular) after the completion of said inspection and investigation and that the terms of said H. C. R. No. 17 be and the same is hereby amended according to the terms hereof.

The resolution was read and on the motion of Senator Bailey laid on the table subject to call.

At Ease.

The Senate, on the motion of Senator Bailey stood at ease subject to the call of the Chair.

Message from the House.

Mr. Phinney, chief clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives.
Austin, Texas, August 20, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has appointed Neblet and Moore to serve on the conference committee on Senate Bill No. 1, on the part of the House in place of Beasley of McCullough and Wallace, resigned.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk House of Representatives.

At Ease.

The Senate on the motion of Senator Hertzberg, stood at ease subject to the call of the Chair.

Recess.

The Senate, at 12:08, on the motion of Senator Darwin, recessed until 10 o'clock Monday morning.

Monday Morning.

The Senate met at 10 o'clock a. m., pursuant to recess.

(President Pro Tem. Woods in the Chair.)

Senate Concurrent Resolution No. 2.

Senator Dudley received unanimous consent to send up the following resolution:

Whereas, Investigations have been made by a Joint Committee of the Senate and House of various departments of the State Government, to see what, if any, irregularities have been practiced, and

Whereas, The State Health Department, under Dr. Oscar Davis, now dead, was included in the said investigations; and

Whereas, The said committee reported that the State Health Department was managed by him in a most honorable manner, and that his administration of that Department was above reproach; therefore be it

Resolved by the Senate of Texas, the House concurring, That the name of Dr. Oscar Davis is cherished by these bodies as that of a faithful servant of Texas, an honorable, Christian gentleman whose death was a loss to Texas, and who went to his grave with an untarnished name; and be it further

Resolved, That a copy of this reso-

lution be sent to the wife of Dr. Davis.

The resolution was read and adopted.

Bills Signed.

The Chair (President Pro Tem. Woods), gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 2.
S. B. No. 3.

Recess.

On motion of Senator Bailey, the Senate, at 10:05 recessed until 2 o'clock this afternoon.

Monday Afternoon.

The Senate was called to order at 2 p. m., pursuant to recess.

(Senator Woods in the chair.)

Bills and Resolutions.

Unanimous consent was granted to send up

By Senator Bledsoe:

S. B. No. 4, A bill to be entitled "An Act to amend Articles 24 and 25, Revised Civil Statutes of Texas, 1911, apportioning the State of Texas into Senatorial Districts; declaring what counties shall constitute each Senatorial District; providing for returns of elections; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read and referred to the Committee on Senatorial Districts.

By Senator Doyle:

S. B. No. 5, A bill to be entitled "An Act to amend Articles 24 and 25, Revised Civil Statutes of Texas, 1911, apportioning the State of Texas into Senatorial Districts; declaring what counties shall constitute each Senatorial District; providing for returns of elections; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Senatorial Redistricting.

House Concurrent Resolution No. 2.

Senator Bailey called up from the table, H. C. R. No. 2, In regard to investigating the Davis Mountains as a place for a State park.

Senator Bailey sent up the following amendment:

Senate Amendment No. 1 to H. C. R. No. 2.

Amend the resolution by adding at the end thereof the following:

Resolved further that the actual traveling expenses not exceeding \$2,000 incurred by the committee while making the inspection and investigation shall be paid from the contingent expense fund of the Legislature upon vouchers approved by the President of the Senate or Speaker of the House.

The amendment was read and adopted.

The resolution as amended was adopted.

Recess.

On motion of Senator Darwin, the Senate, at 2:10 p. m., recessed until 10 o'clock tomorrow morning.

Tuesday Morning.

The Senate was called to order at 10 o'clock a. m., pursuant to recess.

(Lieutenant Governor Davidson in the chair.)

Senate Concurrent Resolution No. 1.

Senator Woods called up from the table S. C. R. No. 1, Providing for the appointment of a porter between sessions to take charge of the Senate and Hall of Representatives and connecting rooms.

The resolution was read, and,

Senator Darwin sent up the following amendment:

Amend the resolution by adding to the end thereof the following:

The said porter is hereby under the direction and subject to the authority of the Board of Control.

The resolution and the amendment, on motion of Senator Doyle, was laid on the table subject to call.

Adjournment.

On motion of Senator Wood, the Senate, at 10:15 o'clock a. m., adjourned until 10:20 o'clock a. m. this (Tuesday) morning.

APPENDIX.

Select Committee Reports.

Senate Chamber.

Austin, Texas, Aug. 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber.

Austin, Texas, Aug. 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber.

Austin, Texas, Aug. 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Aug. 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred S. B. No. 3,

"An Act making appropriations to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Thirty-seventh Legislature of the State of Texas, convened on the seventeenth day of August, A. D. 1921, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

Committee Room,

Austin, Texas, Aug. 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred S. B. No. 2,

"An Act making appropriation of the sum of sixteen thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-seventh Legislature of the State of Texas, convened August seventeenth, A. D. 1921, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

Committee Room,

Austin, Texas, August 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Agricultural and Mechanical College; the State Experiment Stations; the Prairie View State Normal; the College of Industrial Arts for Women; the Sam Houston Normal Institute; the North Texas State Normal; the Southwest Texas State Normal; the West Texas State Normal; the East Texas State Normal; the Sul Ross State Normal; the Stephen F. Austin State Normal; the John Tarleton Agricultural College; the Grubbs Vocational College; the Texas State School for the Blind; and the State Deaf and Dumb Institute, for the two years beginning September 1, 1921, and ending August 31, 1923; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

SECOND DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 23, 1921.

The Senate met at 10:20 o'clock

a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Hertzberg.	

Absent.

Carlock.	Hall.
Dorough.	Rogers.
Floyd.	Suiter.

Prayer by the chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Murphy.

Committee Reports.

See Appendix.

Bills and Resolutions.

Simple Resolution No. 1a.

Senator Dudley sent up the following resolution:

Whereas, W. T. Thomason has been Secretary to Senator R. L. Carlock during the First Called Session of the Thirty-seventh Legislature to look after the interests of Senator R. L. Carlock, and said First Called Session having adjourned sine die; therefore

Be it resolved, That the said W. T. Thomason is hereby appointed secretary to Senator R. L. Carlock during the Second Called Session of the Thirty-seventh Legislature.

DUDLEY.

The resolution was read and adopted.

Simple Resolution No. 2a.

Senator Dudley sent up the following resolution:

Whereas, A movement has been set on foot for securing for the State of